IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 21 OF 2003

1. Shri Jayant Siurama Sinai Khandeparkar, of majoor age, married, and his wife.

2. Smt. Seema Jayant Sinai Khandeparkar, of major age.

3. Smt. Susheelabai Siurama Sinai Khandeparkar, of major age, all residing at II Floor, Flat No.10, Behind Viera Apartments, Behind Ponda Municipal Council, Ponda-Goa. ... Petitioners

versus

1. Shri Sharadchandra Raya Sinai Khandeparkar, of major age, married and his wife,

2. Smt. Maya Sharadchandra Sinai Khandeparkar, of major age, both residing at A/6, II Floor, Deepra Vihar, Near Star House, Tonca, Caranzalem, Goa.

3. Dr. Satischandra Raya Sinai Khandeparkar, of major age, married and his wife

4. Smt. Manju Satischandra Sinai Khandeparkar, of major age, both residing at F-4, Leopoldina Mansion, Fr. Jose Vaz Road, Vasco-da-Gama, Goa-403 802.

5. M/s Key Pee Rolling Mill Pvt. Ltd., with Office at Goglavorli Mol, Usgao-Goa.

6. The Economic Development Corporation of Goa, Daman and Diu, EDC House, Panaji, Goa.

7. M/s Shetye Espat Pvt.Ltd.,
a Company duly incorporated
and registered under the
Companies Act, 1956 with
its registered Office at
Goglavorli Mol, Opp.Hindustan
Foods, Usgao-Goa. ... Respondents.

Mr. R. G. Ramani, Advocate for the Petitioners.

Mr. S. Usgaonkar, Advocate for the Respondent Nos.1 to 4.

Mr. M. S. Sonak, Advocate for the Respondent No.6.

Mr.S. N. Joshi, Advocate for the Respondent No.7.

CORAM: P. V. HARDAS, J.

DATED: 23RD JANUARY, 2003.

ORAL ORDER

Heard Mr. R. G. Ramani, learned Counsel appearing on behalf of the Petitioners, Mr. S. Usgaonkar, learned Counsel appearing on behalf of the Respondent Nos.1 to 4, Mr. M. S. Sonak, learned Counsel appearing on behalf of the Respondent No.6 and Mr. S. N. Joshi, learned Counsel appearing on behalf of the Respondent Nos.6 and 7.

2. This Writ Petition has been filed assailing the Order dated 11th February, 2002 passed by the Civil Judge, Senior Division, Ponda in Special Civil Suit No.35/93/A allowing the application at Exh.45 filed by the Original Plaintiffs i.e. Respondent Nos.1 to 4 in the present

Petition for production of two documents at item nos.9 and 10 deleted in Exh.45 as secondary evidence.

3. By the aforesaid Order, the learned Trial Court ultimately allowed the Plaintiffs to produce two xerox copies of the two documents at item nos.9 and 10 at the time of adducing evidence.

4. In view of the challenges made in the present Writ Petition regarding the fact that the two documents could not have been treated as secondary evidence, it is directed that the learned Trial Court shall proceed with the recording of the evidence and permit the Plaintiffs to prove the said documents subject to the objections, if any, raised on behalf of the Respondents. The learned Trial Court shall exhibit those two documents subject to the objections regarding their admissibility to decide at the time of final disposal of the suit. The learned Trial Court should not be influenced by any of the objections made regarding their admissibility impugned in the present Petition.

5. With the aforesaid directions, Writ Petition No.21 of 2003 is disposed of with no order as to costs.

P. V. HARDAS, J.